

Hearing Date: January 18, 2023
Opposition Date: October 18, 2022
Reply Date: December 2, 2022

LATHAM & WATKINS LLP

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,
Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

ABN AMRO BANK (IRELAND), LTD, (f/k/a
FORTIS PRIME FUND SOLUTIONS BANK
(IRELAND) LIMITED) and

ABN AMRO CUSTODIAL SERVICES
(IRELAND), LTD (f/k/a FORTIS PRIME FUND
SOLUTIONS CUSTODIAL SERVICES
(IRELAND) LTD.),

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05355 (CGM)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE, that pursuant to this Court's June 13, 2022 Order, upon the annexed Declaration of Thomas J. Giblin and the accompanying Memorandum of Law in Support, the undersigned attorneys for Defendants ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Ltd.) (n/k/a ABN AMRO Retained Custodial Services (Ireland) Limited) and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.) (together, "ABN Ireland") will respectfully move the United States Bankruptcy Court for the Southern District of New York, 355 Main Street, Poughkeepsie, New York, 12601, before the Hon. Cecelia G. Morris, on January 18, 2023 at 10:00 A.M. for an Order dismissing the Second Amended Complaint of Irving H. Picard, Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, and the substantively consolidated estate of Bernard L. Madoff, individually, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, ECF No. 205, with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure as made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7012.

Dated: August 19, 2022
New York, New York

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Christopher R. Harris
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